8190885/2023/OP-HMF01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services Health Medical & Family Welfare Department- Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole, Prakasham District(retired)- Disciplinary action Initiated- Imposed Penalty of 25% cut in Pension Permanently - Orders-Issued Hon'ble High Court orders dt.27.12.2022 in WP.No.6238/2021 - Modified Orders - Issued.

HEALTH, MEDICAL & FAMILY WELFARE (VC.I) DEPARTMENT

G.O.Ms.No. 210 **Dated:22.11.2023**

Read the following:

1. From the Director of Public Health & Family Welfare, A.P., Vijayawada, Lr.Rc No.922/VC.II.B/2015, Dated:10.11.2017.
2. Govt. Memo No.866761/VC1(1)/2017, Dated:12.12.2017.
3. From the Director of Public Health & Family Welfare, AP, Vijayawada, Lr.Rc.No.922/VC.II.B/2015, Dated:09.01.2018.
4. From the Director of Public Health & Family Welfare, AP, Vijayawada Lr.Rc.No.D1/123/2017, Dated: 07.01.2018.
5. G.O.Rt.No.219, HM&FW(VC.I) Dept, Dated: 01.06.2018.
6. Govt. Memo. No. 866761/VC1(2)/2017, Dated: 03.10.2018.
7. Sri I.S.R.K.Kumar, Assistant Director (Admn.), O/o Director, RIMS, Medical College, Ongole (now retired) representation Dated:28.11.2018.
8. Govt. Lr.No. 866761/VC.I(2)/2017, Dated:14.02.2019.
9. From the Secretary, APPSC, Vijayawada. Lr.No.192/DC&C/2019, Dated:28.02.2019.
10. G.O.Ms.No .52, HM&FW(VC.I) Department, Dated: 08.03.2019.
11. Govt. Memo. 866761/VC.1(1)/2017, HM&FW(VC.I) Dept.,Dt:12.07.2019.
12. Govt. Memo. 866761/VC.1(1)/2017, HM&FW (VC.I) Dept., Dt:04.11.2020.
13. Orders of Hon'ble High Court in WP.No.6238/2021, Dated:27.12.2022.
14. Govt. Lr.No. 866761/V.C.I(2)/2017, Dated: 31.05.2023.
15. From the Secretary, APPSC, Vijayawada Lr.No.GAD03-APPS0DCC/2/2023-DC.SEC-APPSC (Computer.No.2157397), Dated:26.09.2023.

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ORDER:

In the reference 1st read above, the Director of Public Health & Family Welfare, Andhra Pradesh, Vijayawada has informed that Sexual Harassment Committee appointed by Dr. C. Padmavathi, Professor and HOD, Department of Pathology, Guntur Medical College, Guntur and (3) others to conduct an enquiry into the charges of harassment of Smt. Naga Sailaja, Junior Assistant, Guntur Medical College, Guntur by Sri I.S.R.K. Kumar, the then Assistant Director (Administration) O/o Guntur Medical College, Guntur and now retired as Assistant Director (Administration), O/o the Director, RIMS Medical College, Ongole on 31.03.2017. The Sexual Harassment Committee has submitted their report to competent authority, wherein the allegations are held proved against the delinquent officer.

2. The Director of Public Health & Family Welfare, AP, Vijayawada has further submitted that a charge memo has been issued vide their office proceedings dated: 15-05-2016 and he has submitted his explanation to the charges his representation dated.nil. On examination of the explanation which is not convinced it was decided to impose a minor punishment of stoppage of 1 (One) Annual Grade Increment without cumulative effect on Sri I.S.R.K.Kumar, Assistant Director (Administration). Accordingly Show Cause Notice was issued to him. The CO has submitted his explanation to the Show Cause Notice. In the meanwhile, Sri.I.S.R.K. Kumar, Assistant Director (Administration) has retired from service on 31.03.2017 on attaining the age of superannuation, before concluding the disciplinary proceedings against him and the Director of Public Health & Family Welfare has submitted detailed report to Government being a competent authority to impose the punishment to the Charged Officer Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole who was retired from service.

(PTO)

3. Government after examination of the enquiry report of Sexual Harassment Committee and available material have issued orders imposing the penalty of 25% cut in pension permanently against Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole, Prakasam District (retired) under sub-rule 1 of Rule 9 of A.P. Revised Pension Rules, 1980 in the matter vide G.O. 10th read above duly following due procedure.

4. Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole, Prakasham District (retired) has filed Appeal Petition and Revision Petition before the Government to set aside the punishment imposed vide G.O. 10th read above. Government have examined and rejected the same vide references 11th & 12th read above.

5. Aggrieved by the above, Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole, Prakasam District (retired) has filed W.P.No. 6238 of 2021 before the Hon'ble APHC.

6. The Hon'ble AP High Court have passed orders dated: 27.12.2022 in WP No.6238/2021 as follows:

> In view of the foregoing discussion and the facts and circumstances as stated above, the present impugned order in revision dated 04.11.2020 as well as G.O.Rt.No.52 dated 08.03.2019 were hereby set aside on the ground of disproportionate punishment and restore the punishment awarded by the 3rd respondent i.e. Stoppage of one Annual Grade Increment without cumulative effect.

7. Government after examination of the matter have decided to implement the orders of the Hon'ble High Court, to impose the penalty of 3% cut in pension for a period of one (01) year which is equivalent to the stoppage of one Annual Grade Increment without cumulative effect against Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole, Prakasam District (retired) and the matter was referred to the APPSC for their concurrence vide reference 14th read above and the APPSC has concurred to the proposal of the Government vide reference 15th read above.

8. Government after examination of the matter and in modification of the orders issued in G.O.Ms.No 52, HM&FW (VC.I) Department, Dt:08.03.2019, hereby impose the penalty of 3% cut in pension for a period of one (1) year against Sri.I.S.R.K.Kumar, Assistant Director (Administration), O/o the Director, RIMS Medical College, Ongole, Prakasam District (retired).

9. The Director of Public Health & Family Welfare, AP, Vijayawada shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr MANJULA D HOSMANI
SECRETARY TO GOVERNMENT

To
Sri I.S.R.K.Kumar, Assistant Director (Administration), O/o Director, RIMS Medical College, Ongole, Prakasham District(retired) through the Director of Public Health & Family Welfare, AP, Vijayawada.
The Director of Public Health & Family Welfare, AP, Vijayawada.
Copy to:
The Accountant General (A&E), A.P, Vijayawada.
The Secretary, APPSC
The GP for services-IV, (Health & Medical), AP High Court.
The OSD to Hon'ble Min.(HFW&ME).
The PS to Secretary to Govt., HM&FW Department.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER